

THE HONORABLE JUDGE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

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RICHARD L. AHEARN, Regional Director of the	)	
Nineteenth Region of the National Labor	)	
Relations Board, for and on behalf of the	)	
NATIONAL LABOR RELATIONS BOARD,	)	Civil No. 11-5684RBL
	)	
Petitioner	)	
	)	ORDER GRANTING
v.	)	PETITIONER'S RULE 59(e)
	)	MOTION
	)	[Dkt. #63]
INTERNATIONAL LONGSHORE and WAREHOUSE)	)	
UNION, LOCAL 21,	)	
Respondent	)	
	)	
and	)	
	)	
INTERNATIONAL LONGSHORE and WAREHOUSE)	)	
UNION, LOCAL 4,	)	
Respondent	)	

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THIS MATTER is before the Court on the Petitioner's Motion to Amend Judgment under Fed. R. Civ. P. 59(e). [Dkt. #63]. Petitioner seeks the removal of references in the Court's Preliminary Injunction [Dkt. #58] to the ILWU's picketing "with an unlawful object."

The parties correctly ascertain that it was the Court's intent in the Preliminary Injunction (and indeed in all related aspects of this case, as opposed to the related *EGT*

1 v. *Port of Longview* case) to end the violence, vandalism, and train blocking. This  
2 conduct was enjoined under §10(j) of the NLRA.

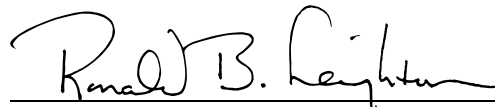
3 Though the Petitioner additionally sought an injunction of the picketing under  
4 §10(l) of the NLRA, the Court did not intend to and did not enjoin the picketing under  
5 that section. Petitioner's "unlawful object," "hot cargo" and similar arguments about  
6 the legality of the object of the picketing ( as opposed to the manner in which it is being  
7 conducted) are not going to be resolved in the context of a TRO or Preliminary  
8 Injunction.

9 The Court will therefore REVISE the Preliminary Injunction, Paragraph 2, as  
10 requested by the Petitioner and with the further modification sought by the ILWU.  
11 Paragraph 2 of the Preliminary Injunction is therefore REVISED and AMENDED to  
12 read:

13 "2. Restraining or coercing the employees of EGT, General or any other person  
14 doing business in relation to the EGT facility in the exercise of their rights  
15 guaranteed under Section 7 of the Act."

16 **IT IS SO ORDERED.**

17 **DATED** at Tacoma, Washington this 21<sup>st</sup> day of October, 2011.

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20 RONALD B. LEIGHTON  
21 UNITED STATES DISTRICT JUDGE